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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,151	08/23/2000	Frank Dunne	PHB 34,383	1067

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BRIARCLIFF MANOR, NY 10510

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 10/07/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,151

Applicant(s)

DUNNE ET AL.

Examiner

Joy K Contee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 23 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4,6,8,9,11,14,16,18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey, U.S. Patent No. 6,449,491, in view Albrow et al. ("Albrow"), U.S. Patent No. 6,026,083.

Regarding claims 1 and 11, Dailey discloses a broadcast system (and method) for communicating a broadcast message in a telecommunications system having at least one fixed terminal for communication with one or more portable terminals, said broadcast system including:

first transmitter (i.e., system transceiver units) means for transmitting a first message from the or each fixed terminal, the message including information specifying a channel, selected for that fixed terminal, to convey the broadcast message (col.8, lines 42-49) ; and

control means for causing the or each portable terminal to receive on the specified broadcast message channel (col. 9,lines 19-28).

Dailey fails to explicitly disclose second transmitter means for transmitting from the fixed terminal the broadcast message on the said specified broadcast message

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channel for reproduction of the broadcast message by the or each portable terminal, *wherein the broadcast message channel is connectionless.*

In a similar field of endeavor, Albrow provides evidence of a broadcast down-link mobile station signaling, multiplexed on the broadcast channel with the down-link connectionless signals (col. 4, lines 45-51 to col. 5, line 9).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Dailey to include a connectionless broadcast message channel for the purpose of placing a priority on connectionless DC signals (e.g., short information message, see col. 3, lines 11-13) as taught by Albrow (col.4, 43-51).

Regarding claims 4 and 14, the combination of Dailey and Albrow disclose the limitations of claims 1 and 12. Albrow further discloses a broadcast system, wherein the selected channel supports a connectionless downlink bearer (col. 3, lines 60-64 and col. 4, lines 43-51).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Dailey to include a connectionless broadcast message channel for the purpose of placing a priority on connectionless DC signals (e.g., short information message, see col. 3, lines 11-13) as taught by Albrow (col.4, 43-51).

Regarding claims 6 and 16, the combination of Dailey and Albrow disclose the limitations of claims 1 and 12.

Dailey further discloses a broadcast system in accordance with claim 1 and further including:

means for assigning each portable terminal with a broadcast group identity (i.e., common physical channel) (col. 3, lines 42-51);

means for including broadcast group identity information in the first message (col. 3, lines 52-58); and

means for causing the or each portable terminal to receive on the specified broadcast channel only if the said portable terminals has an assigned broadcast group identity (i.e., referencing the traffic channel designation messages that preferable have a special abbreviated format) that corresponds to the broadcast group identity transmitted in the first message (col. 3, lines 56-67).

Regarding claims 8 and 18, the combination of Dailey and Albrow discloses a broadcast system in accordance with claims 1 and 11.

Dailey further discloses wherein the broadcast message is initiated at and originates at a portable terminal in communication with the at least one fixed terminal of the system (col. 3, lines 52-56).

Regarding claims 9 and 19, Dailey and Albrow disclose a broadcast system in accordance with claims 1 and 11.

Dailey further discloses : means for assigning each portable terminal with a broadcast group identity (i.e., common physical channel) (col. 3, lines 42-51);

means for including broadcast group identity information in the first message (col. 3, lines 52-58); and

means for causing the or each portable terminal to receive on the specified broadcast channel only if the said portable terminals has an assigned broadcast group

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identity (i.e., referencing the traffic channel designation messages that preferable have a special abbreviated format) that corresponds to the broadcast group identity transmitted in the first message, wherein the broadcast message is initiated at and originates at a portable terminal in communication with the at least one fixed terminal of the system, and the broadcast group identity information in the first message is selected and originates at the said portable terminal (col. 3, lines 52-67).

3. Claims 2,5,12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey and Albrow, in view of Beidermann et al. ("Beidermann 1"), U.S. Patent No. 6,490,447.

Regarding claims 2 and 12, Dailey and Albrow disclose a broadcast system in accordance with claims 1 and 11. The combination fails to explicitly disclose, wherein the selected channel is established on a DECT physical channel.

In a similar field of endeavor, Beidermann 1 discloses wherein the selected channel is established on a DECT physical channel (col. 4, lines 12-19 and see Figs. 1 and 4).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Dailey as modified by Albrow, to include wherein the selected channel is established on a DECT physical channel, since Dailey acknowledges the low powered DECT system in the background, thus ultimately providing interoperability of cordless telecommunications applications (see Beidermann 1 col, 3, lines 47-57).

Regarding claim 5 and 15, Dailey, Albrow and Beidermann 1 disclose a broadcast system in accordance with claims 2 and 12. Dailey further discloses, wherein the first message is transmitted as a short page message (col. 4, lines 28-42).

4. Claims 3,7,13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Dailey and Albrow, in view of Beidermann, U.S. Patent No. 6,400,938 ("Beidermann 2").

Regarding claims 3 and 13, the combination of Dailey and Albrow discloses a broadcast system in accordance with claims 1 and 11. The combination fails to explicitly disclose wherein the selected channel supports a DECT simplex bearer.

In a similar field of endeavor, Beidermann 1 discloses wherein the selected channel supports a DECT simplex bearer (col. 5, lines 11-20).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Dailey, as modified by Albrow, to include wherein the selected channel supports a DECT simplex bearer for the purpose of providing an optional dummy transmission path which could be used for synchronization and connection set up.

Regarding claims 7 and 17, Dailey and Albrow disclose a broadcast system in accordance with claims 6 and 16. The combination fails to explicitly disclose wherein the broadcast group identity information is expressed as a DECT group temporary portable user identity (TPUI).

In a similar field of endeavor, Beidermann 2 is evidence of wherein the broadcast group identity information is expressed as a DECT group temporary portable user identity (TPUI).

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At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Dailey, as modified by Albrow, to include TPUI identity information for the purpose of allowing the mobile to distinguish between an emergency call request and a normal call request (col. 8, lines 50-54).

5. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dailey and Albrow, in view of Robinson et al. ("Robinson"), U.S. Patent No. 6,122,527.

Regarding claims 10 and 20, the combination of Dailey and Albrow disclose a broadcast system in accordance with claims 1 and 11. The combination fails to explicitly disclose means for periodic transmission of the first message for the duration of the broadcast message to allow portable terminals to roam into geographical areas covered by a different fixed terminal and to receive the broadcast from the different fixed terminal even if this requires the roaming portable terminal to receive the broadcast message on a different specified channel and to change the specified channel that it receives on.

In a similar field of endeavor, Robinson discloses means for periodic transmission of the first message for the duration of the broadcast message to allow portable terminals to roam into geographical areas covered by a different fixed terminal (e.g., CDPD usage vs. AMPS usage) and to receive the broadcast from the different fixed terminal even if this requires the roaming portable terminal to receive the broadcast message on a different specified channel and to change the specified

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channel and to change the specified channel that it receives on (col. 6, lines 22-25 and col. 9, lines 32-50).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Dailey, as modified by Albrow to include channel switching messages when a mobile is roaming for the purpose of allowing the mobile to maintain continuous service.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 703-308-0149. The examiner can normally be reached on 5:30 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703-305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.


Joy K. Contee
October 1, 2003


CHARLES APPIAH
PRIMARY EXAMINER